

## Remarks

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. No claims have been amended, added or canceled. Thus, claims 1-47 are pending.

### Claim Rejection - 35 U.S.C. § 112, Second Paragraph

Claims 1-47 were rejected as being indefinite for failing to particularly point out an distinctly claim the subject matter of the invention. Specifically, the Office Action alleges that it is not clear how data can be acquired based on a future event. However, paragraphs 0024 and 0025 of the application as filed, this functionality is described.

If no disturbance is detected, 410, the system continues to monitor the voltage level for a disturbance. If a disturbance is detected, 410, the monitoring system triggers a waveform capture, 420. In one embodiment, the sampled voltage values that correspond to the monitored voltage are continually sampled and stored in a (e.g., non-volatile) memory that is periodically overwritten by more recent sample data, for example, a circular buffer. By continually storing voltage samples in the buffer, the samples that precede the voltage disturbance can be analyzed with the voltage disturbance.

In one embodiment, 20 samples prior to the triggering event and 40 samples after the conclusion of the triggering event are captured. Other sample ranges, for example 40 samples before and 60 samples after the triggering event can be captured. In one embodiment, capture continues, 430, until a predetermined number of samples (e.g., 40) after the monitored voltage returns to a level between the floor and ceiling thresholds.

See page 11.

Claims 1-47 are consistent with this description as well as other material in the specification as originally filed. Therefore, Applicants request that the rejection of claims 1-47 as being indefinite be withdrawn.

Claim Rejection - 35 U.S.C. § 103(a)

Claims 1-47 were rejected as being unpatentable over U.S. Patent No. 6,810,339 issued to Wills (*Wills*) in view of U.S. Patent No. 7,065,458 issued to Tran, et al. (*Tran*). For at least the reasons set forth below, Applicants submit that claims 1-47 are not rendered obvious by *Wills* and *Tran*.

Something in the prior art must suggest the desirability, and thus the obviousness, of making the combination proposed in an Office Action. Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 5 USPQ2d 1434, 1438 (CAFC 1988). There must be some supporting teaching in the prior art for the proposed combination of references to be proper. In re Newell, 891 F.2d 899, 13 USPQ2d 1248 (CAFC 1989). No such teaching or suggestion has been provided for combining the cited references from nonanalogous arts to obtain the claimed invention.

*Wills* is directed to a method to monitor distributed power generation. See Abstract. *Tran*, however, is directed to data acquisition devices used in low-power environments. See col. 1, lines 21-36 and col. 4, lines 9-28. Specifically, *Tran* is directed to data acquisitions in binary environments. See col. 5, lines 26-29. Power generation monitoring as disclosed in *Wills* involves high-voltage analog values and not low-voltage digital values as disclosed in *Tran*. Therefore, one of ordinary skill in the art at the time of the invention would not have combined *Wills* and *Tran* as suggested in the Office Action.

*Wills* appears to disclose detecting a voltage change by comparing samples at two different times, and the result of this comparison can be used to trigger anti-islanding solutions as stated in column 10 lines 15-24 and lines 49-53. Therefore, two samples are

captured before the triggering event. Claims 1, 20 and 34 claim to capture voltage samples corresponding to a predetermined time period after the triggering event in addition to capturing voltage samples corresponding to a predetermined time period preceding the triggering event.

Further, *Tran* teaches capturing of data only ***after*** a trigger event. Nothing in *Tran* suggests the desirability of capturing data before and/or during the trigger event. Therefore, *Tran teaches away* from the combination suggested in the Office Action. Accordingly, the combination of *Wills* and *Tran* set forth in the Office Action cannot render obvious the invention as claimed in claims 1-47.

#### Conclusion

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1-47 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,

**BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP**

Date: Nov 2, 2006

  
\_\_\_\_\_  
Paul A. Mendonsa

Reg. No. 42,879  
12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026  
(503) 439-8778